

ther with the account of her said guardian rendered at that time, are filed with the answer as exhibits. That if it be true, as alleged, that the complainants have heretofore obtained a decree, by which a part of this property called "Longworth" has been sold to satisfy in part the complainant's claim, such decree could only have been obtained by default, or neglect to defend the case on the part of defendants, or was given by consent of said Mitchell, and that the release of said Maria, above referred to, was either withheld from that case as from the present, or that it was not set up by those who were competent to set up and maintain the same; in any of which events, that decree cannot bind the parties to this suit. They expressly aver and charge, that the said release was freely and voluntarily made by said Maria after she arrived at age, and was made and executed in accordance with her previous often-expressed determination to execute the same when she should be competent to do so; and that it was given with the express motive of relieving her father, who was without property or the means of livelihood; that it was given from a concerted determination between her and her sister Elizabeth, both of whom had abundant means of support to do this act for the benefit of their father; that it was done by Elizabeth on her part, in 1827, freely and in good faith, and as freely and in like, good faith was it done by the said Maria when she came of age; that it was never the purpose of either to charge their father with the payment of said debts, and much less their purpose to wring from the portion of their half-sister Henrietta (a portion greater than their own, but in fact by her misfortunes rendered much less) the payment of their own father's debt to them, and by such act further to impoverish her that they might profit by it. They further charge that it is not, nor ever was the wish or the purpose of the said Maria to invalidate or set aside that release, made nearly four years before her marriage; that she does not fully concur with or join her husband in this suit, but is induced thereto by his control over her, and they pray the Court to take means to ascertain whether it is with her consent and approbation that